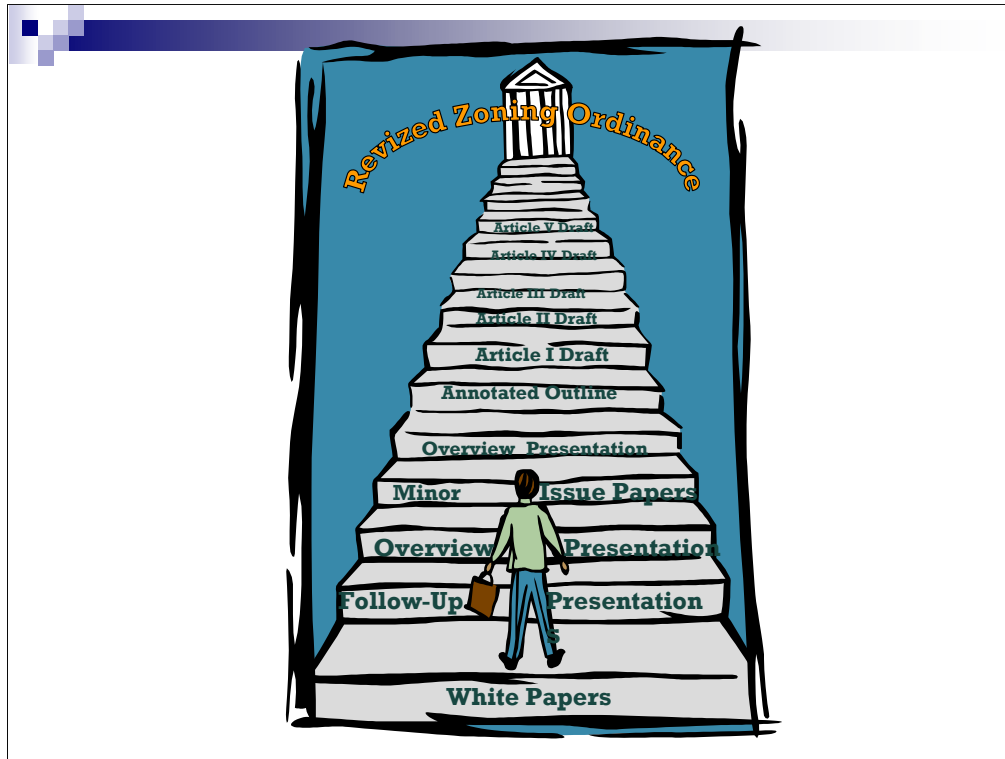


Not counting tonight, staff have now come before you 8 times to discuss 6 different topics of policy considerations for the zoning revision. We have a number of additional discussions scheduled throughout the months of January and February (7 more topics in 4 more nights of presentations) – before we enter into that next section, we'd like to highlight again the topics we've discussed so far. We'd like to consider this as a status report before start the next batch of papers.

Time to ask questions - reaffirmation too

Question for tonight is whether Mayor and Council would like to add anything before we go forward.

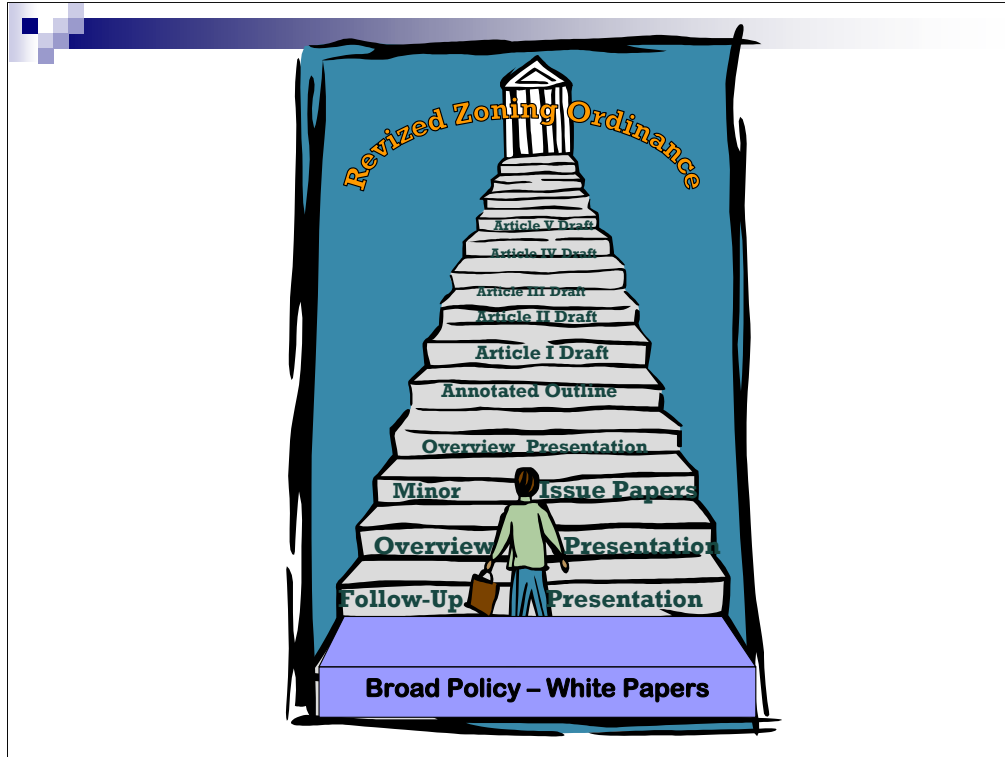
Even summarized this is still a substantial amount of information. That is why we are only going to talk about this summary tonight. I've also attached a summary checklist to the agenda highlighting major policy recommendations that will change current zoning policy in the City. Also included is a list of key zoning definitions that may help explain some of the terms you will hear repeatedly throughout this process. I want to emphasize that although this is a revision, we're really creating a whole new ordinance. We're redefining terms, and starting from a clean slate.



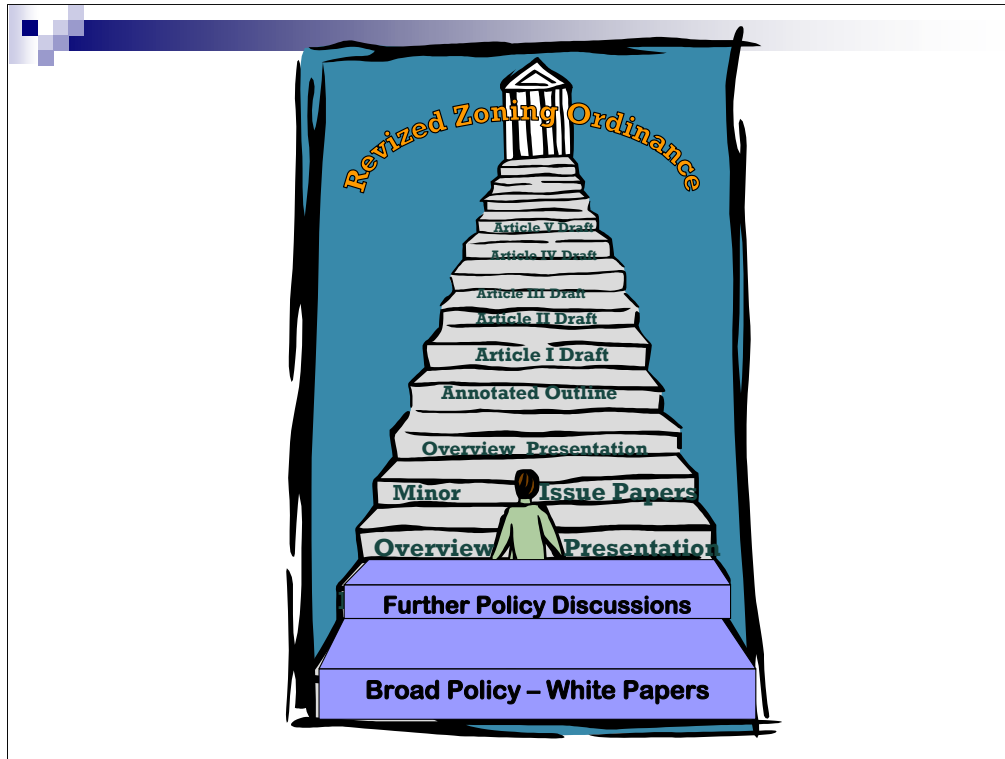
Introductory presentations provided overview of what a number of possibilities are for the revision based on what other jurisdictions throughout the country are doing.

Each paper was meant to provide the Mayor and Council with 1) an explanation of the terms and concepts of these planning topics as they are associated with a zoning revision, 2) an overview of different methods of addressing these planning issues used throughout the country, and 3) some staff recommendations of the methods that should be used in the zoning revision for the City of Rockville.

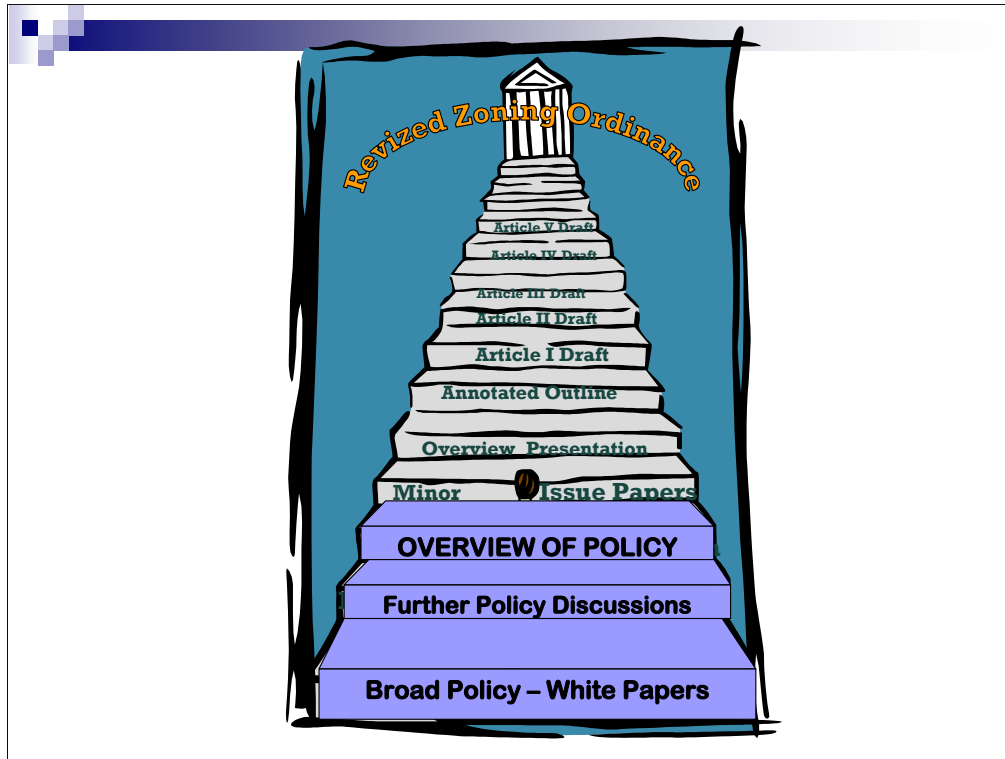
While all the information presented to date (including copies of the presentations) has been included in the Rockville Zoning Reference Book presented to Mayor and Council, before staff begins the next stage of the revision, staff would like to remind Mayor and Council of the recommendations that staff made. If the Mayor and Council still agrees with these recommendations, staff will continue to develop these policies, incorporate them into the outline, and develop more particular recommendations (i.e. going up to a smaller stair).



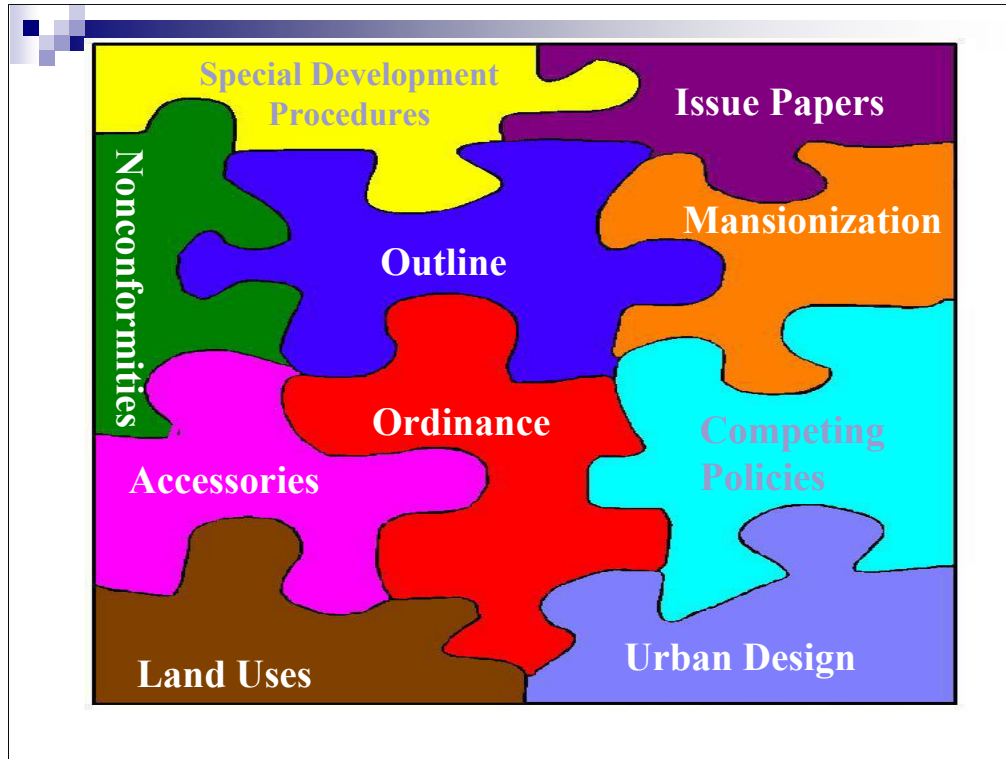
The first step (also the biggest step) is to provide broad policy discussions throughout the White Papers.



Some of the we came back fro more particular discussion.

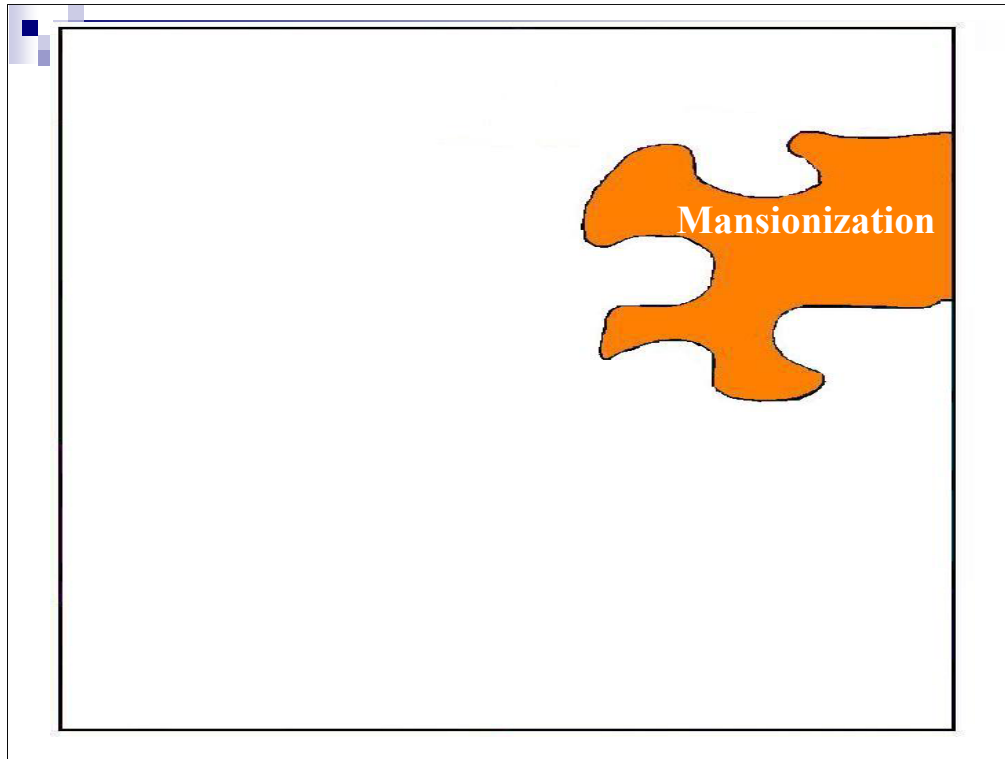


Which Brings us to today- a summary of the policy.

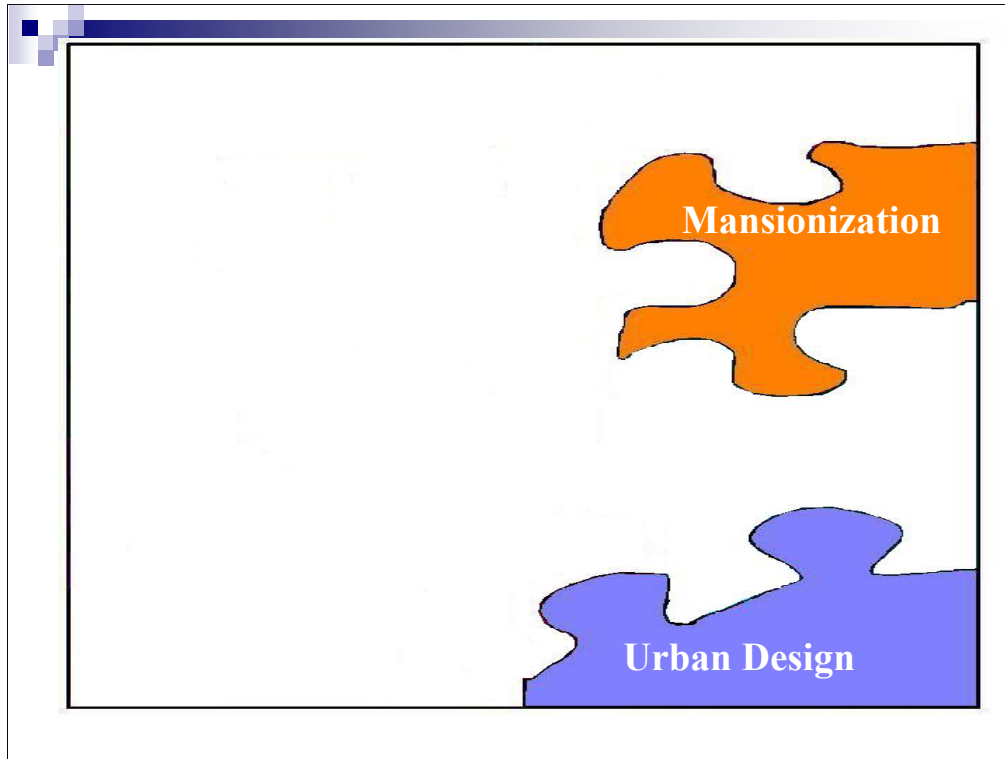


Another illustration that can help explain the zoning process is a puzzle. Much like a puzzle its necessary to build the outside before the center can be put together.

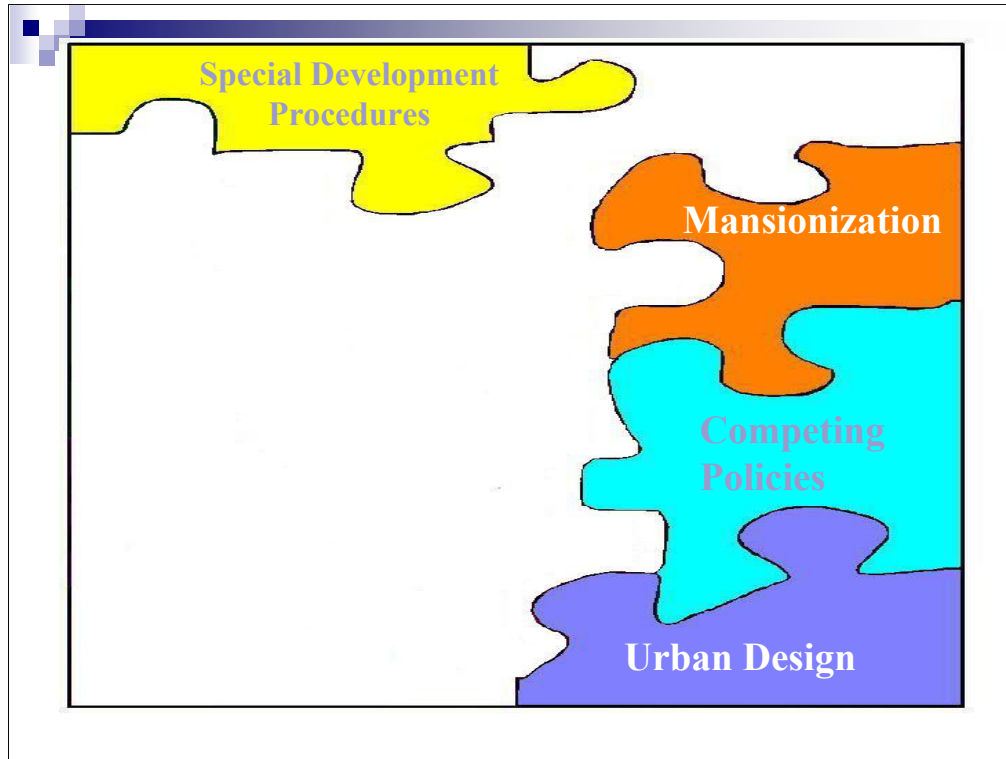
Each pieces is developed separately, but they are all interconnected. When we get a full picture we might have to go back and tweak some pieces to make them fit better, but for now the policy we established already can help us move forward.



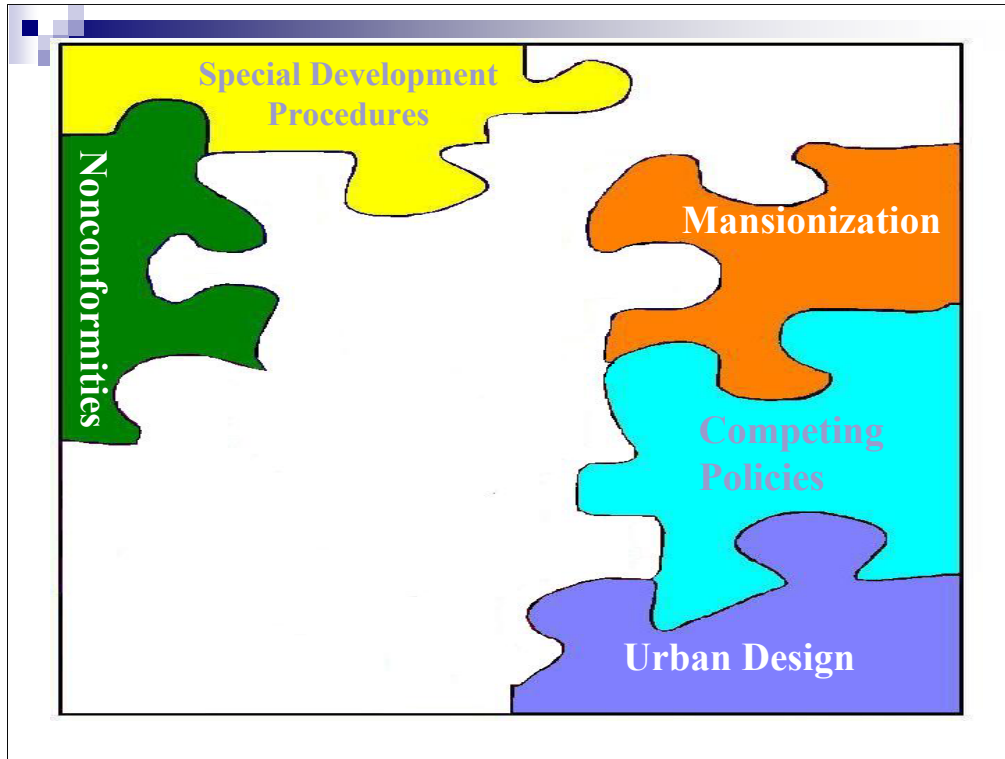
The first presentation was Mansionization



The 2nd (and cornerstone piece) to this revision was Urban Design.



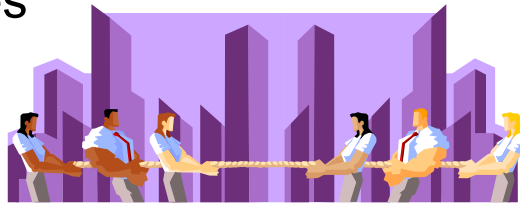
Following Urban Design were Special Development Procedures and Competing Policies.



By the time we discussed nonconformities, we've started to complete that image of what the future City Zoning Ordinance will be. Of course there is still a lot of holes yet to be filled. Throughout January and February we hope to fill in the rest of the perimeter so that we can get started on the center.

Competing Policy

- Broad Questions
- Direction of Revision
 - ☐ Existing v. New
 - ☐ Streamline v. Explanation
- Policy guidelines

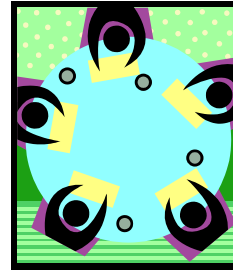


To aid in determining what the overarching organization and purpose of the revised zoning code will be, this paper asked broad organization questions. This paper discussed the priorities of the revision – to include new policies, resources, as needed - or to maintain existing resources. Additionally, this paper began to list priorities of development that often are balanced when making development decisions in the City. These priorities will be developed in different places throughout the ordinance – in the purpose statements, as individual regulations, and as amenities requested for planned developments.

Recommendations

■ Where appropriate:

- ☐ Streamline the ordinance
- ☐ Use new regulations / resources
- ☐ Provide flexibility



1. Streamline the ordinance, where applicable, to make the language easier to read and the regulations easier to implement. This may include reorganization of the ordinance, adding illustrations, or using plainer language.
2. Use new regulations / resources where appropriate. In other words, consider additional staff, review committees, and/or processes of review where the use of these resources and regulations would promote the overarching goals of the revision and the City.
3. Provide flexibility to regulations where appropriate. For instance, consider administrative approvals for minor adjustments of requirements and/or consider allowing the Board of Appeals to approve minor adjustments to special exception approvals. Flexibility will save applicants with small adjustments the time and expense of more formal processes of approval.

Competing Policy for Rockville Development

- Environment
 - ☐ Trees
 - ☐ Streams
 - ☐ Green Building
- Mobility
 - ☐ Pedestrians
 - ☐ Traffic Flow
 - ☐ Bikes
 - ☐ Parking
- Development Character
 - ☐ Setbacks
 - ☐ Buffers
 - ☐ Density
 - ☐ Low Impact development
 - ☐ Big Boxes
- Community Enhancement
 - ☐ Parks
 - ☐ Art
 - ☐ Historic Preservation
 - ☐ Utilities
 - ☐ Economic Development
 - ☐ Affordable Housing

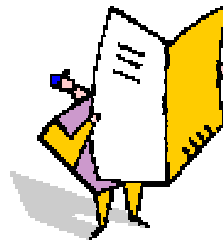


Staff Identified this list of competing policy for development in Rockville.

This list was developed of identified policy – will continue to evolve as we receive more feedback from Mayor and Council, Planning Commission and other boards, and citizens. But I must emphasize that this is just the beginning.

What will the policy do?

- Purpose statements
- Individual standards
 - Parking
 - Green Requirements
 - Open space
 - Impervious Surfaces
 - Landscaping / Screening
 - Environmental Performance Standards
 - Sidewalks
- Add to list of incentives



Now that there's a list, what do we do with it?

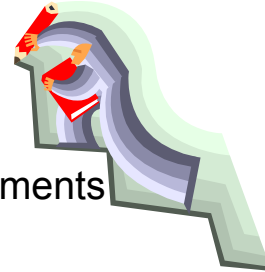
There were three recommended directions for action on this policy list.

1. These policies can be incorporated into the purpose statements of various sections of the code, in particular the special development procedures section. A clear purpose statement which consolidates or highlights policies from this list of priorities, and will guide the approval decisions of these developments.
2. With identified policies, staff can shape individual regulations to accomplish these goals. Currently reviewing these goals and considering new, particular regulations that would achieve these priorities. In particular, some of these policies will need additional discussion. Staff has identified the need for additional issue papers. The list is provided here.
3. Finally, if you remember, one recommendation from optional method discussion was provision of a standard optional method. There, provide approval – if developer meets X number of requirements, the developer will get Y number of development rights. The requirements / amenities requested to be included (the “X”) will be taken from a list of priorities. More detail on this in the optional method follow-up.

Steps to Good Urban Design

■ Analyze the Existing Context

- ☐ Master Plan
- ☐ Neighborhood Plans
- ☐ White Papers
- ☐ Existing Policies / Requirements



■ Establish a Vision

■ Implement the Vision



The Competing Policy discussion talked about overarching policy of the structure of the revised zoning ordinance (what it can / can't do). The Urban Design paper discussed the substance of the revision.

The zoning revision is limited in what we can do by a number of things. There are existing guiding policies placed on this revision – master plan, neighborhood plans, legal requirements (MD law). The analysis of these White papers (in depth discussions on particular issues) and a review of existing policies (art in public places, DRC, etc.- what works and what doesn't) have supplemented these policies to provide more guidance.

Establish a vision – Many particular visions in the city's master and neighborhood plans, these white papers

Overarching vision – “livability”

- High quality development –Walkability –Affordability –

Implement – Will involve revision of other chapters of the City Code. With regard to zoning – number options we've talked about in the past presentations. Following is more particular recommendations to implement vision.

Urban Design

- Mixed Density / Types
- Contextual Design Standards
- Walkable Centers
- Enhance Streetscapes
- Variety of Uses
- Stimulate Infill



Urban design is the visual motif of the city, or a particular part, to achieve a high quality of life for the public. The goal is to promote livability, meaning a high quality public realm and a sense of place.

There are 6 policies to urban design and 6 general recommendations for the revision from this paper. (Some will be addressed again in other papers)

1. Mixed Density in C and O areas around the city can be implemented- having office, retail, and in some cases residential uses existing on the same lot.
2. Design concepts such as creating walkable centers (especially around metro stops) can add to safety and a more aesthetically pleasing atmosphere – some of the ways to develop design will be addressed outside the zoning ordinance (such as design manuals) but may be referenced in the zoning ordinance. These will encourage pedestrian traffic as alternative to cars.
3. Streetscapes can be improved by regulating sidewalk width, allow for more street level retail, landscaping street trees... - Again some of this can be addressed in the zoning ordinance while some (like road standards) are to be updated in another section of the city's code
4. Infill- modify regulations to allow for type of redevelopment city wants. This will be an overarching goal of the revision – to make sure that new regulations address this growing trend in the City to redevelop versus development on previously untouched land.
5. Variety of uses- regulate and encourage uses that are desirable.

Mixed Use Districts

- Commercial / Office
- Multi-family accessories
- Will add limitations
- Add form from plans

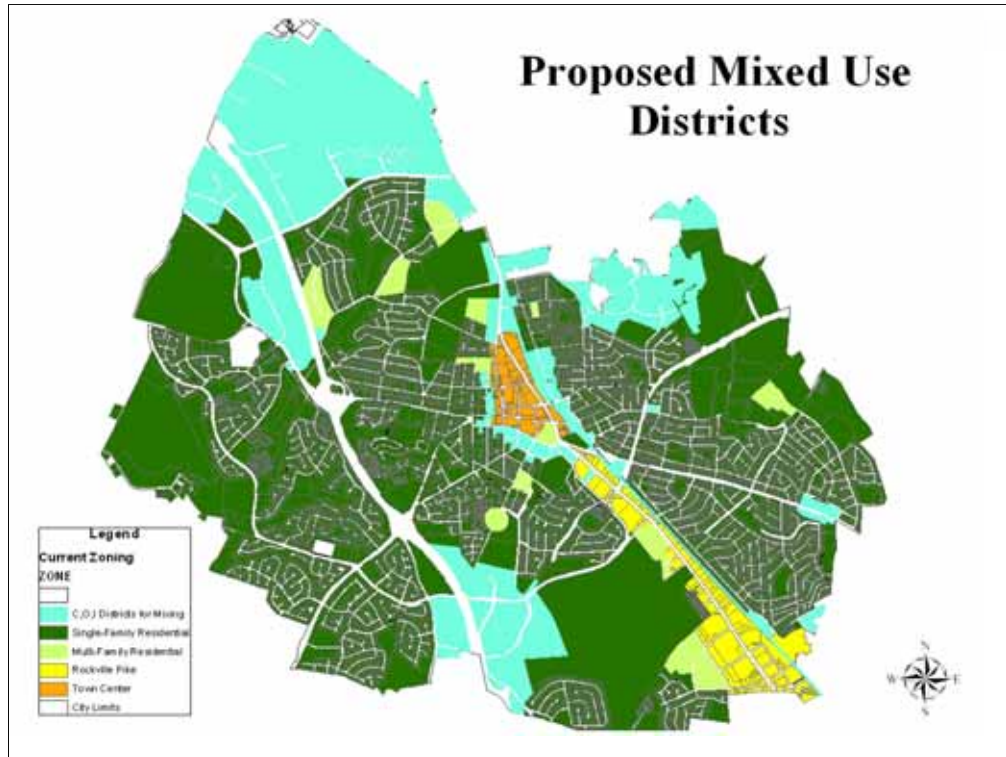


Staff recommends reviewing standard commercial and office districts to allow more mixed-use.

In addition, accessory uses in multi-family zones (R-20, R-30, R-H) should be reviewed to determine if additional small retail uses should be permitted in those zones.

Limitations on maximum size and types of uses – all to be determined in drafting stage but should be included in regulations.

Where neighborhood plans have been completed - the zoning ordinance will include additional regulations which will regulate for the type of form proposed in the plan.



Highlighted areas of blue and green. Blue are commercial, office, and industrial areas not designated for form based designation. Light green are multi-family zones where accessory structures might be considered for different uses, especially retail. As the process continues, will further examine these areas – if any determined not suitable for form based zoning, then will consider mixed use districts.

Dark green areas are all single-family residential districts that currently exist. Staff recommends that they stay essentially the same.

Residential Districts

- Residential feel
- Neighborhood centers
- Maintain existing
- Review bulk regulations



There remains a number of primarily residential areas where auto transit is necessary to reach any service location. Thus a challenge of the revision is to retain the primary residential feel but to increase walkability in these neighborhoods.

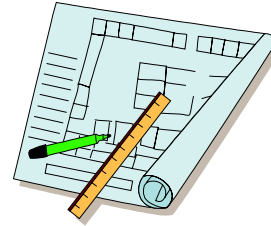
Neighborhood centers provide gathering places for citizens and living necessities (groceries, activity centers, recreation options). Concern 1) more where needed and 2) promote higher quality design and maintenance of what exists. To do so, street design guidelines need to be amended to ensure that areas around the centers are walkable.

Staff will continue to develop a proposal for how to regulate these neighborhood centers.

Remaining residential areas would stay mostly the same. Recommendations in individual neighborhood plans will be reviewed for particular application to individual neighborhoods. Where no plans yet completed, revision will re-examine bulk requirements to determine if they are too extensive for the type of development that has appeared in each neighborhood. Overlays applying individual bulk regulations to individual neighborhoods may be applicable.

Design Guidelines

- Neighborhoods who request them
- Condition of approval
- Broad
- Outside of ordinance itself
- Few general requirements in ordinance



Staff recommends applying design guidelines only to those neighborhoods that have included the recommendation in their neighborhood plan. In addition, guidelines may continue to be condition of approval for special development options – as they were for King Farm and Falls Grove.

Should be broad enough to not regulate for taste but specific enough to provide guidance to staff and to encourage consistent review.

Should be maintained outside of the ordinance but referenced so as to inform public that additional considerations will be applied to development within a particular area.

Staff is also considering general design regulations to be included in the code. These would be added as additional dimensional standards already in the requirements. In particular, a requirement that all visible sides of a structure have a quality façade is one.

Mansionization

- Development / Renovation

- ☐ Single-family homes
- ☐ Larger than original
- ☐ Larger than character of neighborhood



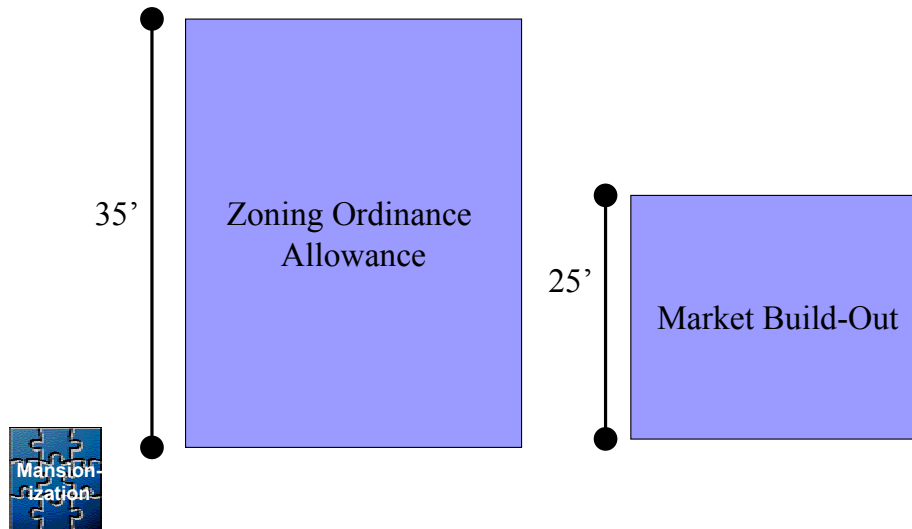
- Not issue with new developments



The first paper presented to Mayor and Council in this series was Mansionization. A number of follow-up presentations were presented on this subject throughout the fall. When the City uses the term Mansionization we're talking about the process where single-family, detached homes are demolished or enlarged to create houses that are several times larger than the originals and which create structures that are out of proportion with the surrounding neighbors. This phenomenon occurs on lots that are redevelopment of existing houses or infill lots. It is caused by a desire for modern amenities such as large kitchens, cathedral ceilings, walk-in closets, and multiple bathrooms that do not exist in older homes.

It is not an issue with new large-scale developments like King Farm and Fallsgrove. These developments often have strict covenants, and/or require architectural review approval for changes to existing houses. Homeowners come to the development with an expectation of the type of houses that they already see there.

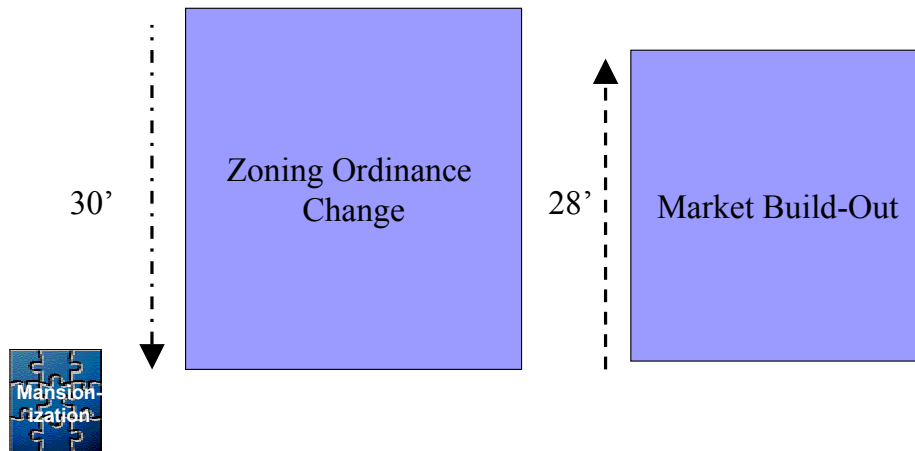
Zoning v. Market Forces



When big houses are developed in previously small house neighborhoods, I should make clear that whatever is built has to be legal. Any new application for construction or reconstruction must be approved for permits through the City. Included in their requirements for approval is compliance with zoning standards.

Even though zoning ordinance has allowed buildings to be built at 35' high, throughout many parts of the City, different areas of the City have built out at smaller sizes. This is what the market would allow.

Zoning v. Market Forces



Today, with market changes, market will now support buildings up to 35' in a greater number of communities but certain neighborhoods are more susceptible to large-scale redevelopment than others. The question is whether to lower zoning requirements to restrict current market

Neighborhood Distinctions



Difference in these pictures between typical houses in Twinbrook, Lincoln park and EastEnd.

Even though all these houses were built in R-60, you can see that there were different styles that developed based on the area of the City.

The market dictates the development of an area. It influences both the style and the size of the homes in different areas of the city.

Where does it occur?



- Issue where:
 - ☐ Lots too small to accommodate house
 - ☐ Land values justify demolition / renovation
- Key factors:
 - ☐ Improvement value
 - ☐ Desirable neighborhood
 - ☐ Mass transit convenience
 - ☐ Other neighborhood conveniences



This is primarily an issue where 1) lots are not large enough to accommodate these large houses in an esthetically acceptable manner and 2) where land values justify the expense of renovation or even demolition and reconstruction.

•Neighborhoods in R-60, R-75, and R-90 zones are the ones most likely to be affected by this redevelopment process – no hard and fast process criteria that can readily predict where mansionization may occur – relevant factors include: 1) high ratio of land value to improvement value; 2) perceived desirability of neighborhood 3) convenience to mass transit; 4) convenience of neighborhood to jobs or central urban core

Competing Arguments

■ Benefits

- ☐ Property values
- ☐ Infrastructure
- ☐ Environment
- ☐ Compatibility
- ☐ Normal Progression

■ Concerns

- ☐ Property values
- ☐ Infrastructure
- ☐ Environment
- ☐ Compatibility
- ☐ Cost



There are number of competing arguments on either side of this issue. Property owners state that they have the right to use or develop property as long as they are in compliance with the legal development standards. Adjacent property owners, however, may lament the loss of neighborhood character, privacy, and the reduction in sunlight and air movement.

I will not get into the particulars of this list – the information was provided in the White Paper – but I do want to show that there are competing arguments on either side. For example, with regard to property values – those who support this type of development suggest that these newer houses will only increase the value of homes and neighborhoods; opponents, however, argue that the rise in value of neighborhoods change the character of the neighborhood and price people out of where they live.

Recommendations

- Include recommendations from plans
- Pursue impervious surface regulations



The recommendations from this paper took two paths. The first was a consideration of height and setback requirements and the second was a consideration of impervious surface limitations. Through additional discussions, it has been determined that the various characteristics of the different neighborhoods of the City are so distinct that a “blanket” modification to these regulations (i.e. change the R-60 requirements for all neighborhoods classified as R-60 districts) would have unbalanced effects in different areas. The impervious surface issue is still to be discussed, and is planned as a separate topic in the future Green Requirements Issue Paper.

Nonconformities

- Use / Development Standard
- Created prior to effective zoning
- Not meet current regulations
- “Run with land”
- Nonconformity =
Missing Puzzle Piece



In November, background information was presented on nonconformities
City recognizes 2 types of nonconformities – use and development standards (lot, building, other lot features like fences, etc.)

- A nonconformity is a use or development standard that was lawfully created prior to the effective date of ZO or amendment.
- Not meeting current ordinance minimum requirements for district in which it is located.
- Without nonconforming rights, continuation would be illegal (b/c goes against regulations).
- But with allowance, is permitted to continue though it is out of synch with overall vision of zoning. Theory – owner should not be immediately penalized for action affecting his property.
- Never protect what not legally established originally.

Consider nonconformities as a puzzle – The overall zoning vision is the puzzle picture. Nonconformities are missing pieces. You can get the gist of the whole picture with a few pieces missing but nonconformities can still prohibit the whole picture from being completed.

Called the Achilles Heel of zoning b/c they can be difficult to regulate.

General Regulations

- Established before adoption
- Existence alone ~~=~~ legal
- Non-enforcement ~~=~~ legal
- Burden is on the landowner
- Ownership changes permitted
- Minor repairs encouraged



First way to control nonconformities is to establish general regulations.

- The use or development standard must have been **legally** established **before** the effective date of the zoning regulation that prohibits it. In other words, if a use, structure, lot, or lot feature existed for a long time, that existence alone does not make it legal.
- A violation of nonconformity requirements, is still a violation and non-enforcement does not make a violation legal.
- A person who asserts that a nonconformity exists has the burden of proving that it exists, so that it may continue.
- Changes of ownership, tenancy, or management of an existing nonconformity are permitted but such nonconformities continue to be subject to the provisions of the code (unless specifically stated otherwise)
- Minor repairs and maintenance should be permitted and encouraged.

Nonconformities

■ Termination

- ☐ Abandoned
- ☐ Destroyed
- ☐ Superseded

■ Alteration

- ☐ Phase out
- ☐ Maintain status quo
- ☐ Limit modification
- ☐ Make conforming



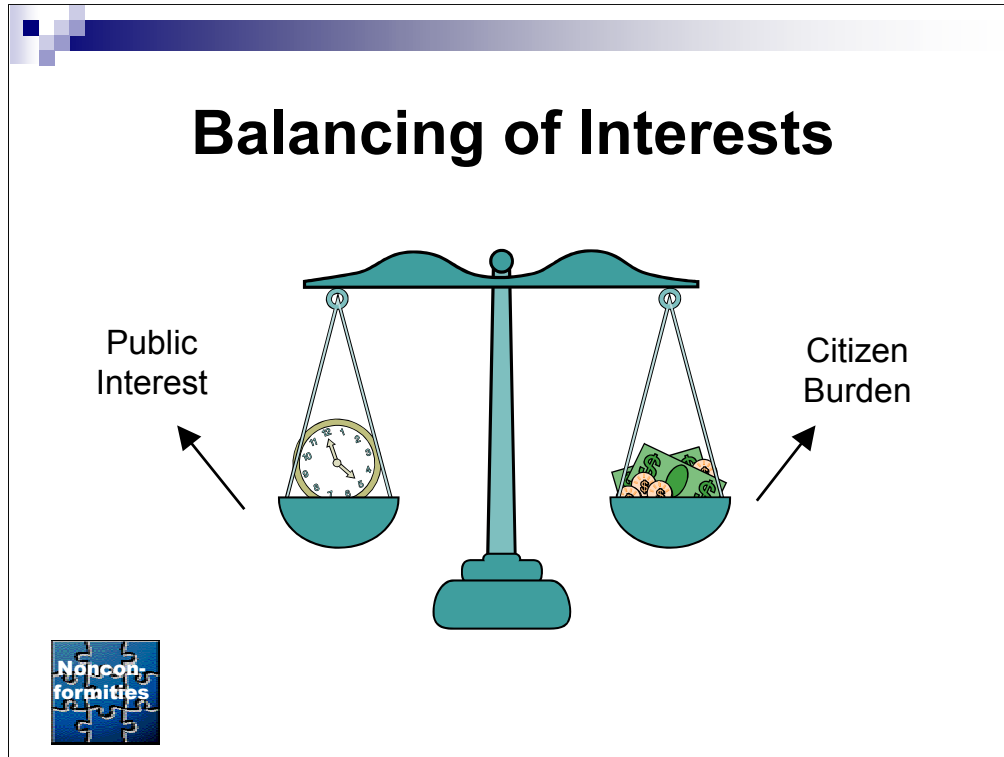
With most nonconformities, they're not an issue until something happens to them. The community is used to them, so they do not perceive them as a problem. When a change is proposed, there is the opportunity to require compliance *without excessive imposition on the property owner*. Raises a number of questions – 1) should we allow change; 2) if so, how much, and 3) if not all required to conform, where put change?

First change is termination - 3 Ways can be terminated

1. Abandoned – Nonconforming uses can be terminated if the owner fails to maintain a continual operation of the use. (set time frame in code to determine how long = abandonment)
2. Destroyed - If the structure in which the use is operated is destroyed, the use may be required to stop. The considerations with destruction are 1) the involvement of the owner in the destruction, 2) the amount of destruction of the structure. More leniency toward fire, flood, or other disaster outside will of the owner.
3. Superseded – If a use is replaced with another use that is permitted in the current zoning regulations, the nonconformity may not continue.

Second opportunity to require compliance is when a use or structure is altered.

Compliance with alteration depends on the imposition to the property owner and the imposition on the surrounding community.



The key to any nonconformity regulation is to balance – 1) public interest in requiring the change so that everything conform to the vision of the zoning regulations and so not cause harm to community and 2) private interest (cost to change) to maintain it

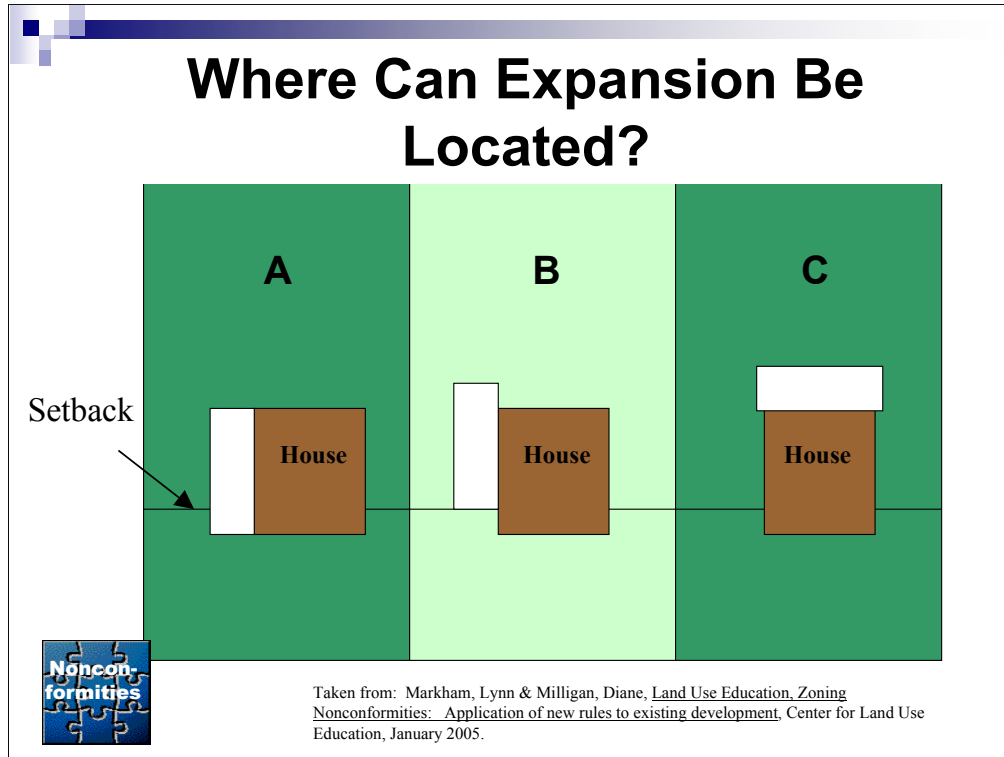
From those policy decision can determine whether to phase it out / maintain status quo / limit modification / or to change the zoning to comply with the nonconformity

All nonconformities can have a greater impact in certain areas (residential) of the City than they might in other areas. The size of the change to the nonconformity can also determine the impact (deck v. 3 stories). Type of alteration (use might be more intrusive than small parking addition).

Once determine level of alteration allowed, then must determine to what degree the nonconformity must be changed – whole /part

1. Phase Out – require whole structure, lot, use to become conforming;
2. Not allowed to make any alteration – just keep what have;
3. Allow minor modifications under certain guidelines
4. Change the zoning again to make zoning regulations allow for structure, lot, or use. Whether to make an entire building or lot (use, structures, and lot features) conform to current zoning requirements if any addition is added; or whether to have only the addition conform.

Currently, staff recommends using much of the 2002 nonconformities text amendment language. Upon the completion of other policy decisions, and much of the drafting stage of the ordinance, nonconformities will be reviewed again.



Here house is nonconforming with regard to the setback line and all houses and additions are the same size. Assuming: 1) nonconformity regulations allow addition and 2) regulations do not require whole house to be made conforming – question is where to require addition to be located.

On this slide we have a house (indicated by the brown squares) that does not meet the required front setback, as indicated by the setback line. Situations A, B, and C represent 3 ways that the white additions could be permitted. In situation A the addition is allowed to be flush with the main portion of the house which does not comply with the setback. Situation B has the new addition complying with the front setback. Situation C forces the applicant's side setback to be converted into a rear setback, virtually invisible from the right of way. Any of these situations can be used. It's up to the city to decide which is most appropriate.

Public Outreach

- Review committee applications
- Website
www.rockvillemd.gov/zoning
- Water bill notification
- E-mail
zoning@rockvillemd.gov
- Cityline interview

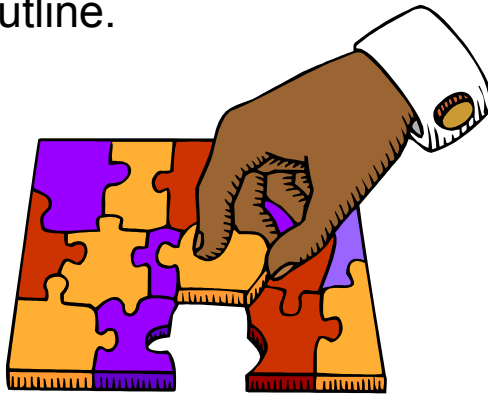


A number of things have been done to initiate the public outreach proposal presented to MC in December.

1. Review committee applications are completed and being distributed. Deadline January 27
2. Website initiated
3. Water bill notification is ready to be inserted into next round of water bill cycle (starting January) It will be presented in English and Spanish with a notice on the bill that there is an insert.
4. E-mail address been set up for all public inquiries – hope to post FAQ on website regularly
5. Interview about process playing on Rockville Channel (cable channel 11)

Direction for Tonight

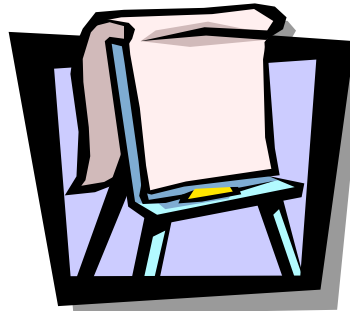
Staff seek direction from Mayor and Council to continue developing these policies as develop outline.



As you may have noticed already, zoning is a fluid process. Each topic addressed so far and each topic we will continue to address is interrelated. Consider each paper topic / each zoning topic as a separate puzzle piece. Each puzzle piece is developed separately – we will not know what full picture will be until it is assembled altogether. We still have to paint details on each piece but when see whole picture together, might have to come back and tweak the image on the individual pieces. As that happens, we will make updated reports when policy changes.

Summary

- Streamline Ordinance
- Maintain Residential Districts
- Increase Mixed-Use
- Provide Flexibility



All I've said today can be summarized into a number of key points –

1. We'd like to streamline the ordinance – make it easier for new readers to understand, to get rid of gratuitous information; include more illustrations, etc.
2. The main requirements of residential districts would remain the same;
3. The commercial, office, (urban) areas of the City will be changed – increased mix of uses, more emphasis on form in those districts
4. While we want to provide regulations to assist with consistent interpretations, we also like to provide more flexibility in the ordinance for those sites where something special is proposed but which we can't foresee now. This is hard to do as you can imagine. There has never been a perfect ZO. They always require amendment and this will be no exception. The revision however is an opportunity to review what development we currently have, and regulate for what we want to see, so to limit the number of necessary amendments in the near future.

This will be a break from what we know now – will need to consider new definitions and maybe new terms to help us think in these new ways

Upcoming Schedule

DATE	MEETING TYPE	TOPIC(S)
JANUARY		
1/12/06	Mayor & Council	White Paper Overview I
1/17/06	Mayor & Council	Accessories
1/19/06	ARNA	Overview of Revision Process
1/26/06	Mayor & Council	<ul style="list-style-type: none"> ■ Land Uses ■ Approving Bodies ■ Special Development Procedures
FEBRUARY		
2/2/06	Mayor & Council	<ul style="list-style-type: none"> ■ Parking ■ Sidewalks ■ Green Requirements
2/21/06	Mayor & Council	Review Committee Appointment
2/22/06	Planning Commission	Recent White Paper Overview
2/28/06	Mayor & Council	<ul style="list-style-type: none"> ■ Overview II ■ Environmental Performance Standards